

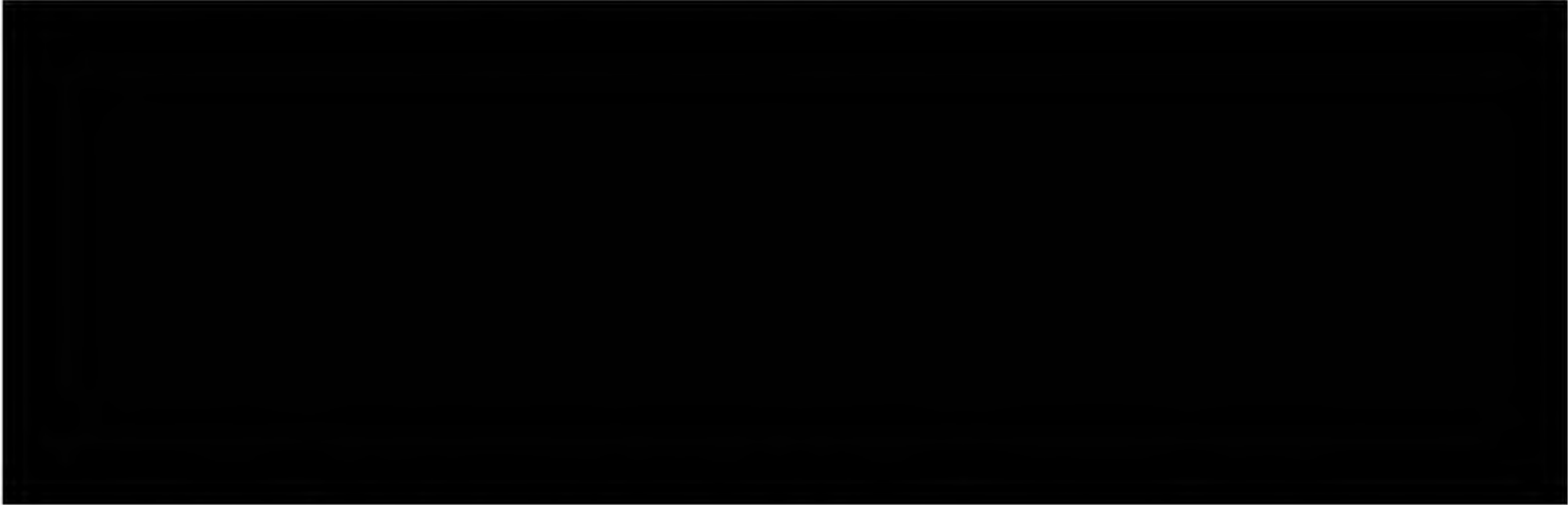
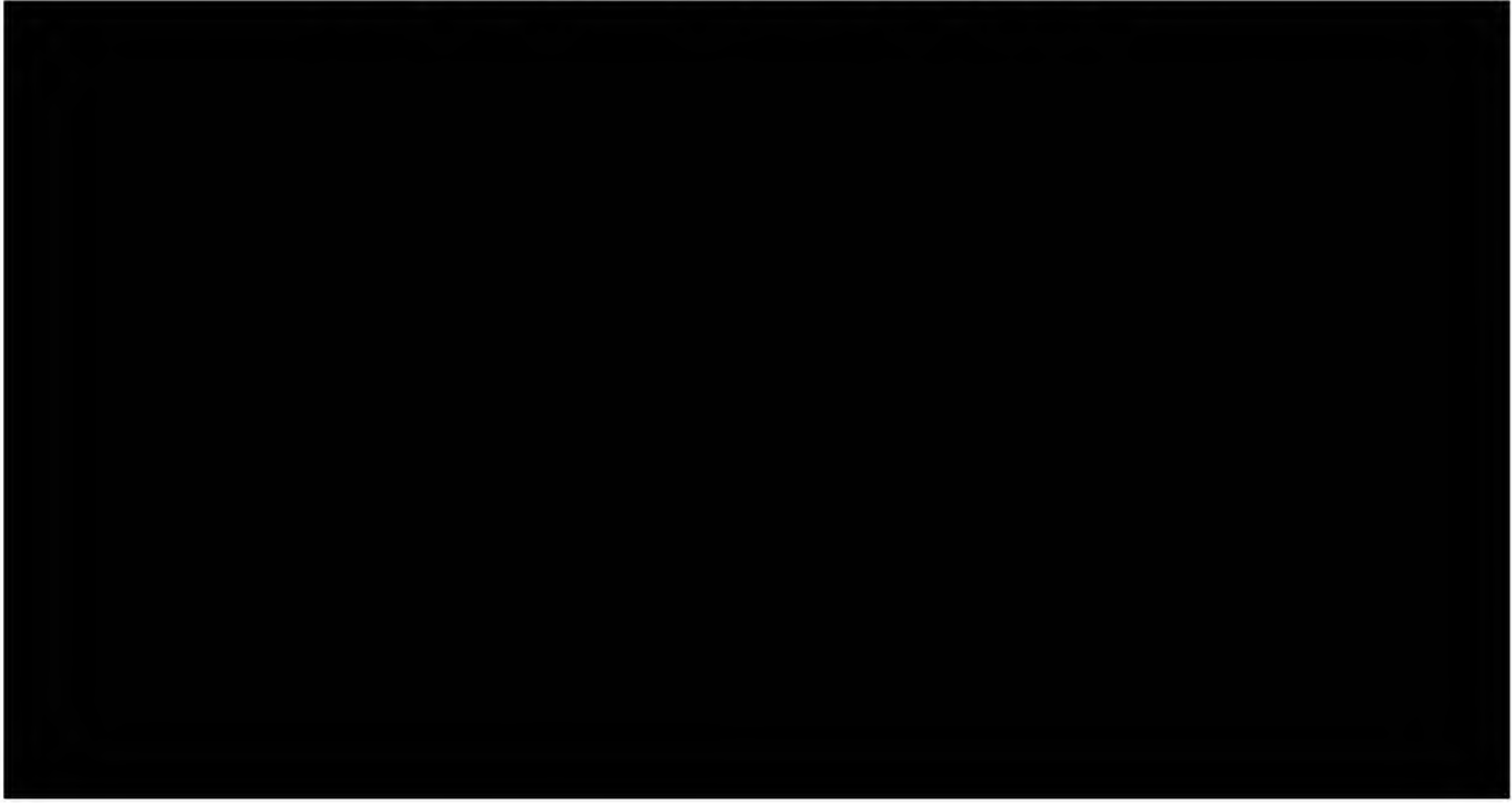
POLICE DEPARTMENT COUNTY OF SUFFOLK, NEW YORK

INTERNAL CORRESPONDENCE

TO: Inspector John P. Henry  
Commanding Officer, Internal Affairs Bureau  
FROM: Captain Edward J. Vitale  
Executive Officer, Internal Affairs Bureau  
SUBJECT: INTERNAL AFFAIRS BUREAU CASE #93-152

DATE: 3/22/95

COPY TO:

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- III. That Sergeant Burke engaged in a personal, sexual relationship with Lowrita Rickenbacker, a convicted felon known to be actively engaged in criminal conduct including the possession and sale of illegal drugs, prostitution and larceny, is SUBSTANTIATED.
  - IV. That Sergeant Burke engaged in sexual acts in police vehicles, while on duty and in uniform is SUBSTANTIATED.
  - V. That Sergeant Burke failed to safeguard his service weapon and other departmental property is SUBSTANTIATED.
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Throughout the interview, Rickenbacker expressed nothing but admiration for James Burke. She often said she loved him and at least twice asked to see his photograph.

Rickenbacker was adamant that Burke: did not use drugs of any kind; did not provide her with drugs; and did not observe her use of drugs. However, she described certain conduct, which if true, would be unbecoming an officer and in violation of Departmental Rules and Procedures. She swore her account of the events in her statement were true and agreed to take a polygraph examination without hesitation.

On April 29, 1994, Suffolk County Court Judge Gary Weber signed an Order to Produce Prisoner, thereby permitting the Suffolk County Police Department to remove Rickenbacker from the Nassau County Correctional Facility and transport her to Suffolk County Police Headquarters for the purpose of administering a polygraph examination to her (Attachments #17 & #18).

It was hoped the polygraph could determine the truthfulness of two issues in Rickenbacker's statement:

First, the issue concerning Burke's use of drugs.

Second, the issue concerning his relationship with Rickenbacker.

Detective Sergeant Don Montgomery of the Polygraph Section explained that only one issue can be determined in each examination and that three key questions can be evaluated for each issue.

On May 2, 1994, the undersigned and Lieutenant Frank Stallone brought Lowrita Rickenbacker to Police Headquarters where D/Sgt. Montgomery administered the polygraph examination. Three questions and answers relevant to James Burke's use of drugs were recorded as follows:

- 1) Did you ever see James use any illegal drugs or narcotics?

ANSWER: NO.

- 2) Did James ever give you any illegal drugs or narcotics?

ANSWSER: NO.


- 3) Did you ever use illegal drugs or narcotics in James' presence?

ANSWER: NO.

It was Detective Sergeant Montgomery's opinion, "based upon chart analysis" of the polygrams, that there was no deception indicated in Lowrita Rickenbacker's physiological responses" to these questions (Attachment #21).

Upon completion of that polygraph examination, Rickenbacker was asked to submit to a second examination concerning the issue of her relationship with Burke. She refused to comply with that request and offered the following reason.

She stated her honest answers regarding Burke's non-use of drugs could only help him. She also stated she knew her honest answers to questions about their personal relationship could only hurt him. She stood by everything she said in the statement, but would not take a polygraph exam that could be used against James Burke.



His relationship with Lowrita Rickenbacker, whom he knew as Lowrita Fields, lasted about six months. During this time, he would never initiate contact with her but, he would respond to her calls to his beeper. He would then meet her, off duty, at various parking lots. Typically, he would pick her up, purchase some beer and take her to his home

or a motel or another parking lot. It was his understanding she was a divorced mother who was being supported by her ex-husband or social services. He could recall only one occasion when he went to her home and he stated that was at her direction; he did not know her address.

Sergeant Burke could not recall if he ever let Rickenbacker use his personal car, but he denied that Rickenbacker had ever possessed his weapon in the manner she described. He could not recall if he took Lowrita to his cash machine to withdraw funds, but he denied ever giving her more than three or four dollars to buy beer. He could not recall if he allowed Lowrita to sit in the police car, but he absolutely denies having engaged in any sexual activity while on duty.

Sergeant Burke claimed that during the time he was seeing Lowrita, he had no knowledge of her criminal past; her addiction to crack; her prostitution; her involvement in drug possession, drug sales, or larceny (all of which was occurring in the First Precinct contemporaneously with their relationship). It is his position that when he began to hear rumors about Lowrita from "street people," he terminated the relationship.

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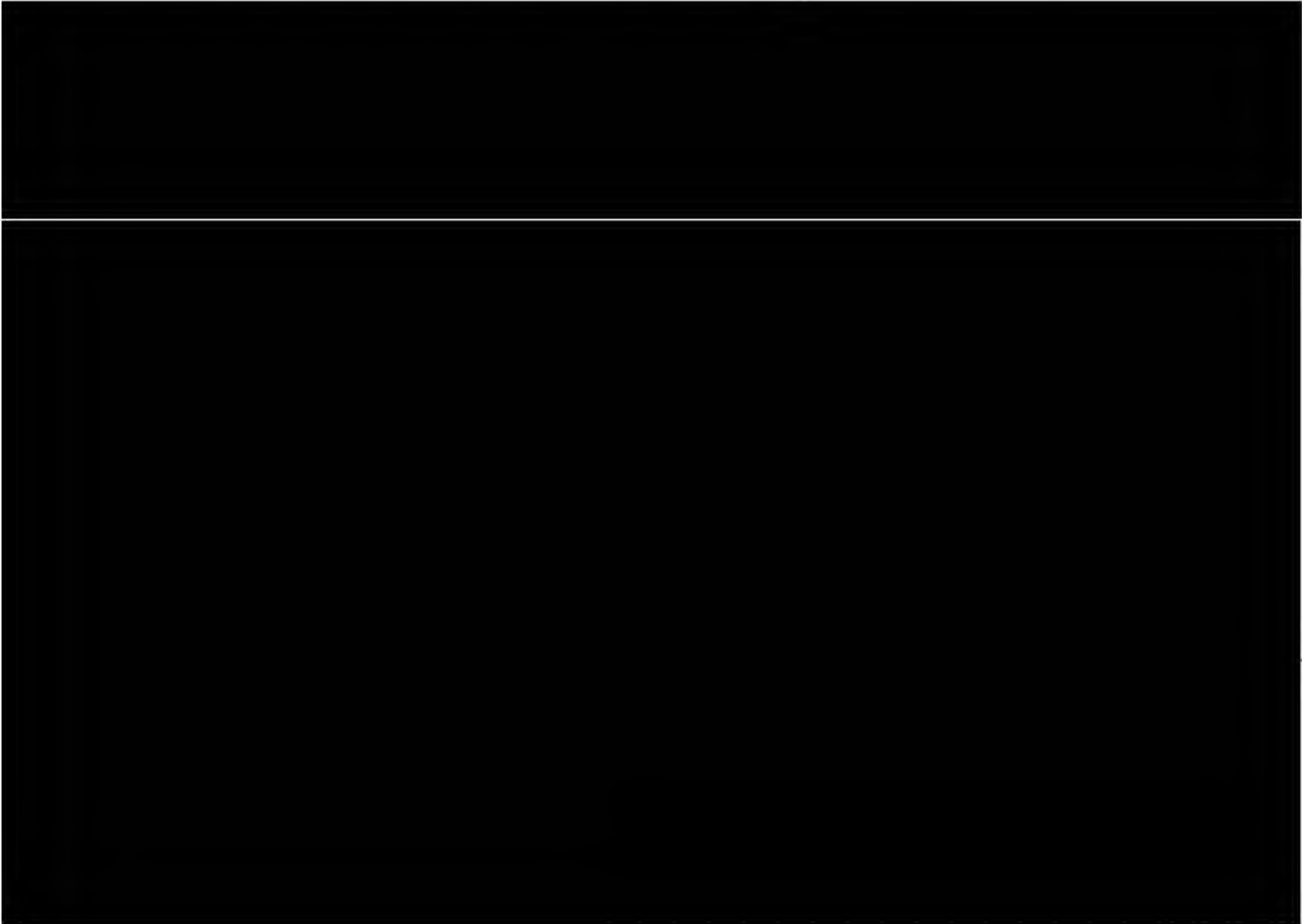
For many years, Sergeant Burke's reputation has been that of an extraordinary street cop. His personnel jacket is replete with accolades to his "knowledge of the criminal element in his patrol area (Attachment #23). In more than one Application for Transfer (Attachment #24), Sergeant Burke has echoed that opinion; "I have a vast working knowledge of local street people and have developed a rapport with them..."


On February 7, 1995, the undersigned and Lieutenant Stallone re-interviewed Lowrita Rickenbacker at the Nassau County Correctional Facility. She stood behind everything she has sworn to in the previous interview. She was adamant that Sergeant Burke knew about her criminal background from the onset of their relationship. He had made jokes to her about her arrests in the First Precinct. She was willing to testify to these matters in an administrative hearing.

CONCLUSIONS:

Given Sergeant Burke's forte for being aware of the criminal element in his patrol zone, and his intimate association with Lowrita Rickenbacker, his claim that he knew nothing of her activities or background seems disingenuous.

His acknowledgment of a personal, sexual relationship with Lowrita Rickenbacker, combined with Sergeant Montgomery's finding that she was truthful in her responses during a polygraph examination, validate her sworn statement. Her professed admiration and support for Sergeant Burke also lend credence to her account of the incidents she described.





Although most of the persons interviewed knew him only as "Starsky," they recognized him as a police officer who works in the First Precinct. They believed he was personally involved with a known criminal; that he extended favors to that particular criminal; and that he was a user of crack cocaine. These perceptions were, at least in part, the result of Sergeant Burke's conduct. Such conduct has a tendency to destroy public respect for Suffolk County Police Officers and confidence in the operation of the services of the Suffolk County Police Department.

Sergeant Burke's conduct constitutes Conduct Unbecoming An Officer, a cause of discipline under Rules and Procedures: Chapter 5, Section 1; VI(B); 1(i).

